



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 701

Senate Substitute Amendment 1

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2017 SENATE BILL 701

Senate Bill 701 prohibits certain drone operations not prohibited under current law, including interfering with emergency personnel, and using a drone to stalk, harass, or violate a restraining order. The bill also modifies current law relating to political subdivisions, including by prohibiting a political subdivision from regulating the ownership or operation of a drone, unless the ordinance relates to limiting the use of drones by the political subdivision. In addition, the bill repeals the requirement under current law that a court report to the federal government if a person is convicted of violating a local ordinance, among other provisions.

SENATE SUBSTITUTE AMENDMENT 1

Under current law, flight of or in an aircraft or spacecraft over state lands and waters is generally lawful, unless at such low altitudes as to interfere with the owner's existing use of the land or water, or if the flight is imminently dangerous to persons or property lawfully on the land or water beneath. [s. 114.04, Stats.] The substitute amendment provides flight of or in an aircraft or spacecraft over state lands and waters is generally lawful, unless at such low altitudes as to **intentionally** interfere with the owner's existing use of the land or water, or if the flight is imminently dangerous as described above.

The substitute amendment also modifies current law relating to the ability of a political subdivision to regulate drone activity. Specifically, the substitute amendment:

- Defines the term "drone" to mean an aircraft operated without the possibility of direct human intervention from within or on the aircraft.
- Repeals a requirement under current law that a court report to the federal government if a person is convicted of violating a local ordinance.

- Prohibits a political subdivision from regulating the ownership or operation of a drone unless the ordinance relates to limiting the use of drones by the political subdivision.
- Removes a provision that is duplicative of current law relating to forfeitures for violating an ordinance enacted by a political subdivision.

Finally, the substitute amendment makes a cross-reference to the new definition of “drone” in another statutory section relating to law enforcement use of a drone.

BILL HISTORY

Senate Bill 701 was introduced on January 19, 2018, by Senator Feyen and others. On March 7, 2018, Senator Feyen offered Senate Substitute Amendment 1. That same day, the Senate Committee on Government Operations, Technology and Consumer Protection recommended adoption of Senate Substitute Amendment 1 and passage of Senate Bill 701, as amended, on votes of Ayes, 5; Noes, 0.

JN:ksm